

CHAPTER NO. 715

SENATE BILL NO. 264

By Harper

Substituted for: House Bill No. 782

By Briley, Arriola, Pruitt, Langster, Shaw, Bowers, Brenda Turner, Brooks, John DeBerry, Cooper, Towns

AN ACT To amend Tennessee Code Annotated, Title 71, relative to eligibility for public assistance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-3-154(k), is amended by designating the existing language as subdivision (1) and by adding the following as a new subdivision (2):

(2)(A) Pursuant to the option granted the state by 21 U.S.C. § 862a(d), an individual convicted under federal or state law of a felony involving possession, use or distribution of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. § 862a(a) against eligibility for Families First program benefits for such convictions, if such person, as determined by the department:

(i)(a) is currently participating in a substance abuse treatment program approved by the Department of Human Services;

(b) is currently enrolled in a substance abuse treatment program approved by the Department of Human Services, but is subject to a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity;

(c) has satisfactorily completed a substance abuse treatment program approved by the Department of Human Services; or

(d) is determined by a treatment provider licensed by the Department of Health, Division of Alcohol and Drug Abuse Services, not to need substance abuse treatment according to TennCare guidelines; and

(ii) is complying with, or has already complied with, all obligations imposed by the criminal court, including any substance abuse treatment obligations.

(B) Eligibility based upon the factors in subdivision (A) must be based upon documentary or other evidence satisfactory to the department, and the applicant must meet all other factors of program eligibility, including, specifically, being accountable for the requirements of the personal responsibility plan required by this part.

(C) Notwithstanding the provisions of subdivisions (A) or (B) to the contrary, no person convicted of a Class A felony for violating a provision of Title 39, Chapter 17, Part 4, shall be eligible for the exemptions provided by this subdivision.

SECTION 2. Tennessee Code Annotated, Section 71-5-308, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection (b):

(b)(1) Pursuant to the option granted the state by 21 U.S.C. § 862a(d), an individual convicted under federal or state law of a felony involving possession, use or distribution of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. § 862a(a) against eligibility for food stamp program benefits for such convictions, if such person, as determined by the department:

(A)(i) is currently participating in a substance abuse treatment program approved by the Department of Human Services;

(ii) is currently enrolled in a substance abuse treatment program approved by the Department of Human Services, but is subject to a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity;

(iii) has satisfactorily completed a substance abuse treatment program approved by the Department of Human Services; or

(iv) is determined by a treatment provider licensed by the Department of Health, Division of Alcohol and Drug Abuse Services, not to need substance abuse treatment according to TennCare guidelines; and

(B) is complying with, or has already complied with, all obligations imposed by the criminal court, including any substance abuse treatment obligations.


(2) Eligibility based upon the factors in subdivision (1) must be based upon documentary or other evidence satisfactory to the department, and the applicant must meet all other factors for program eligibility.

(3) Notwithstanding the provisions of subdivisions (A) or (B) to the contrary, no person convicted of a Class A felony for violating a provision of Title 39, Chapter 17, Part 4, shall be eligible for the exemptions provided by this subsection.

SECTION 3. This act shall take effect on July 1, 2002, the public welfare requiring it.

PASSED: April 17, 2002


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this day of 2002

DON SUNDQUIST, GOVERNOR

Pursuant to Article III, Section 18, of the Constitution of the State of Tennessee, the Governor had Senate Bill No. 264 in his possession longer than ten (10) days, so therefore the bill becomes law without the Governor's signature.